

FILED

2008 JAN 16 PM 2:57

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NORMAN ANTHONY BROWN,
Petitioner,

v.

L. E. SCRIBNER, Warden,
Respondent.

Civil No. 08cv0061-W (AJB)

ORDER:

(1) DIRECTING CLERK TO FILE A COPY OF THE TRANSFER ORDER IN THIS CASE AS AN ORIGINAL TRANSFER ORDER IN SO. DIST. CA CIVIL CASE NO. 07cv2079; AND,

(2) DISMISSING PETITION WITHOUT PREJUDICE TO PETITIONER TO PROCEED WITH HIS CLAIMS IN SO. DIST. CA CIVIL CASE NO. 07cv2079

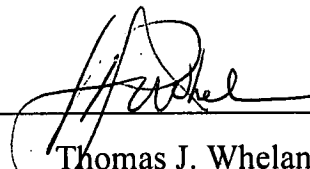
Petitioner is a state prisoner proceeding pro se with a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Petition in this matter was originally filed in So. DIST. CA CIVIL CASE NO. 07CV2079-JAH (AJB), and was transferred to the Central District of California, which is the district in which Petitioner was convicted. The Central District determined that venue was proper in the Southern District of California because Petitioner is challenging the manner of execution of his sentence rather than his conviction, and transferred the Petition back to this Court. The Petition was then assigned a new civil case number.

The Petition should not have been assigned a new civil case number. The Clerk of Court is **DIRECTED** to file a copy of the transfer order from the Central District of California in this

1 case (Doc. No. 1) as an original transfer order in SO. DIST. CA CIVIL CASE No. 07cv2079-JAH
2 (AJB). The Court **DISMISSES** this action without prejudice to Petitioner to proceed with his
3 claims in SO. DIST. CA CIVIL CASE No. 07cv2079-JAH (AJB).

4 **IT IS SO ORDERED.**

5 DATED: 6/16/08


Thomas J. Whelan
United States District Judge

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7 Copies to: ALL PARTIES
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